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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,823	07/16/2003	Gregory W. Shimola	ESCZ 2 00163	1246
7590	06/22/2004		EXAMINER	
James W. McKee Fay, Sharpe, Fagan, Minnich & McKee, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	
DATE MAILED: 06/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,823	SHIMOLA ET AL. <i>AN</i>	
	Examiner	Art Unit	
	DHIRU R PATEL	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7-22 is/are allowed.
- 6) Claim(s) 1-6,23-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1- 6 , 23-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Semrau (4,901295).

Semrau discloses:

Regarding claim 1, a grommet 20' (see entire abstract, fig 3, column 3 lines 50-68)for sealing a conductor 18' relative to a substrate 10' having opposite sides 14', 16' and an opening 12' therethrough for a conductor 18' (see fig 3, column 3 lines 50-68), said grommet being tubular

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and of a resilient material (see entire abstract, column 1 lines 35-60, column 2 lines 50-60) and having axially opposite ends 34', 28' (see fig 3, column 3 lines 30-68), one of said ends 34' for sealingly engaging with a conductor 18' (see fig 3) and the other of said ends 28' having an inner surface radially spaced from the conductor and an outer surface diametrically larger than the opening 12' through the substrate 10' (see fig 3 and column 1 lines 38-60, column 2 lines 50-65), but fails to disclose said inner and outer surfaces being arcuate in the direction from said other end toward said one end and converging in said direction, and applicant doesn't state a particular problem is solved by the arcuate shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Semrau with said inner and outer surfaces being arcuate in the direction from said other end toward said one end and converging in said direction, since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. V. Fab-con, Inc. (CA 8, 1982) 215 USPQ 835.

Regarding claim 2, the modified assembly of Semrau disclose all the features of the claimed invention as shown above, including said other of said ends includes a radially extending peripheral flange 28' (see entire abstract, fig 3, column 3 lines 50-68 of Semrau) having radially inner and outer peripheral surfaces respectively diametrically smaller and larger than the opening through the substrate (see fig 3 of Semrau).

Regarding claim 3, the modified assembly of Semrau disclose all the features of the claimed invention as shown above, including said flange has an axially outer face and an axially inner face spaced therefrom in the direction toward said one end (see fig 3 of Semrau).

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Regarding claim 4, the modified assembly of Semrau disclose all the features of the claimed invention as shown above, including wherein said inner face is planar (see fig 3 of Semrau).

Regarding claim 5, the modified assembly of Semrau disclose all the features of the claimed invention as shown above, including said other end includes a radially inwardly extending peripheral recess adjacent said inner face of said flange (see fig 3 of Semrau).

Regarding claim 6, the modified assembly of Semrau disclose all the features of the claimed invention as shown above, including wherein said recess has a bottom diametrically dimensioned for sealing with the opening through the substrate (see fig 3 of Semrau).

Regarding claims 23-28, claims 23-28 are counterpart of the product claims 1-6 and see entire specification of Semrau.

Allowable Subject Matter

2. Claims 7-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 7-22 are the inclusion therein, in combination as currently claimed, of the limitation of further including a wall between said one and said other end having at least one re-entrant wall portion therein

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

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Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

4. Applicant's arguments with respect to claim 1-6, 23-28 have been considered but are moot in view of the new ground(s) of rejection.

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Contact information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru *Patel whose telephone number is (571) 272--1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhiru Patel
Primary Examiner
Group Art Unit 2831
June 21, 2004

Dhiru Patel
Primary Examiner
6/21/04.